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### **CALL TO ORDER & ATTENDANCE**

Chair Pete Woll called the January 10, 2021, 310-meeting to order at 7:00 P.M. in the conference room.

**Board members present:** Pete Woll, Chair; John Ellis; Vice Chair; Supervisor; Donna Pridmore, Supervisor; Scott Rumsey, Supervisor; Verdell Jackson, Supervisor; being a quorum of the Board.

**Board members absent:** Lech Naumovich, Secretary/Treasurer. Absence is excused.

Also, in attendance were Samantha Tappenbeck, Ginger Kauffman, Flathead Conservation District (FCD) Staff; Hailey Graf, DNRC; Thane Johnson; John McCrorie; Leo Rosenthal, Fish Wildlife & Parks (FWP); Dee Johnson; Robert Lewis; Colter Urbani; Cathy Mitchell; Emily Harkness, FCD Associate Supervisor; Greg Eller; Kraig Trippel; Dan Hughes, A2Z Engineering.

### **Election of Officers:**

John Ellis motioned "to nominate Pete Woll as Chair." Verdell Jackson seconded. Motion carried unanimously.

Verdell Jackson motioned "to nominate John Ellis as Vice-Chair." Donna Pridmore seconded. Motion carried unanimously.

John Ellis motioned "to nominate Donna Pridmore as Secretary-Treasurer." Scott Rumsey seconded. Motion carried unanimously.

### **CONSENT AGENDA**

#### **Consent Agenda Item 1: Signature Authority**

- Authorization for Samantha Tappenbeck to sign on behalf of Supervisors attending the meeting virtually.

#### **Consent Agenda Item 2: Tabled 310's**

- Buck, FL-2021-041C, Stoner Creek, complaint
- White, FL-2021-014, Flathead River, permit violation
- White, FL-2021-098, Flathead River, boat ramp/dock etc.

#### **Consent Agenda Item 3: Minutes**

- December 13, 2021, 310-Stream Permit Meeting Minutes

#### **Consent Agenda Item 4: Financial**

(Check Detail dated 12/17/2021)

1. VISA – Samantha Tappenbeck \$243.31
2. VISA – Hailey Graf \$411.62

(Check Detail dated 12/22/2021)

1. MACD-EO \$90.00
2. Susan D. Hulslander, CPA \$1,969.00
3. Diamond Sprinkler Systems Inc. \$150.00
4. Charter Communications \$162.95

(Check Detail dated 1/5/2022)

1. A2Z Engineering \$1,680.00
2. Flathead Beacon \$528.00
3. Montana Conservation Corps \$6,000.00
4. Montana Sky Networks Inc. \$10.00
5. Mountain States Leasing – Kalispell (Dec. & Jan) \$3,769.72

#### **Consent Agenda Item 5: Correspondence**

- None

Donna Pridmore motioned “to approve the consent agenda as presented.” Verdell Jackson seconded. Motion carried unanimously.

#### **PUBLIC COMMENT**

No one was present to comment on items not listed on the agenda.

#### **310 Onsite Inspections**

**Sethre**, FL-2021-109, Flathead River/Church Slough, riprap: An onsite inspection will be scheduled when Kenny Breidinger, FWP, is available. Leo Rosenthal noted that he could do the onsite for Kenny if the landowner cannot do an onsite after January 26th.

#### **310's**

**Eller**, FL-202-105, Flathead River, rip rap: Pete Woll explained the landowners need to do more riprap. It was originally placed in 2004 and the rip rap was placed on road fabric instead of filter fabric. With the wave action, the angular rock is now pulled down from the top of the cloth and is ineffective. The landowner wants to place larger rock, toe it in and place filter cloth behind. Pete Woll did not want the cloth because it pulls the rock down, if the rock is keyed it will do a better job. Mr. Eller stated he has owned the property for about 5 years, and in that time, he has seen the degradation due to boat waves which are breaking above the rip rap and undermining it. The contractor felt the rock that was used originally is too small. Pete noted that larger riprap (1-2 foot) will be placed, the current fabric will be removed, and no new fabric will be placed.

Pete Woll motioned “to approve the application with modifications per the Team Member Report.” Verdell Jackson seconded. Motion carried unanimously.

John Ellis noted that the Flathead River Erosion Study was underway and to be on the lookout for that. Photos of the boat traffic would be helpful for this study.

**Johnson**, FL-2021-108, Beaver Creek, remove debris/canary grass: Pete Woll explained the landowner wants to remove reed canary grass from the stream channel. The grass is holding the water back and slowing the water from flowing. Pete noted that the channel was almost undefinable, as it has been covered with this grass. The landowner removed debris/reed canary grass by hand several years ago, but the area has grown back in. The landowner is also planting trees and re-vegetating to help stabilize the area, and the cattle are fenced away from the stream. Leo Rosenthal noted the stream flows into Mud Creek. During the onsite the team discussed where to begin working and in the end decided to leave it up to the landowner. The project may create some turbidity but not much.

Pete Woll motioned "to approve the application with modifications per the Team Member Report." Verdell Jackson seconded. Motion carried unanimously.

**Maldonado**, FI-2021-054C, Flathead River, complaint: John Ellis stated a certified complaint letter was sent to Maldonado and John placed a copy in the landowner's mailbox, however no response has been received. An onsite inspection was conducted from a neighboring property. Large concrete culverts have been placed in the stream.

John Ellis motioned "to refer the complaint to the County Attorney for prosecution." Scott Rumsey seconded. Motion carried unanimously.

**McCrorie**, FL-2020-074, Flathead River, Permit extension request: Donna Pridmore explained that Flathead Electric Cooperative Inc. has been moving power poles so the landowner could not complete the project. The permit will expire on 01/25/2022 and the landowner is requesting a one-year permit extension. The applicant noted that the poles have been moved as of approximately three weeks ago. The applicant is ready to proceed with the project.

Donna Pridmore motioned "to approve a one-year permit extension." John Ellis seconded. Motion carried unanimously.

**Mitchell**, FL-2021-099, Stillwater River, remove car & vegetation/road: The technical review provided by Water & Environmental Technologies (WET) was received 1/5/2022. Verdell Jackson reviewed the proposed project as listed in the technical review. He read the bullet points as follows:

- Remove an old car that was placed on the riverbank. The car does not stabilize the bank and is causing an eddy and erosion on the downstream side of the car.
- Grade two areas on an existing terrace between the Stillwater River and the top of bank to allow for a relatively level recreation area. Currently, the terraces are hummocky with abrupt undulations in ground surface of up to 18-inches.
- Project area shall be graded to allow for planting of grass and establishment of lawn that can be maintained as turf grass.



- Establish a 6-foot-wide access road from top of bank to the graded lawn area that will allow a mower to access the area. The access road shall be cut on the up-hill side of the existing bank.
- Remove two to three trees to establish a path that connects the two areas that are proposed to be graded and maintained as lawn.

Verdell went on to review Kenny Breidinger's Team Member Report. He read the bullet points as follows:

- Disturbance to the riverbank should be minimized during car body removal. Bank reshaping can occur only where soil is disturbed within the footprint of the original car body. Disturbed areas of the stream bank must be reseeded with native grasses following car body removal.
- Modification/ renovation of the existing trail is permitted. The running surface on this trail should not exceed 8 feet in width. The trail should be surfaced with grass to stabilize disturbed soils. Drainage dips should be placed along the length of the trail.
- Leveling 37,679 ft<sup>2</sup> as proposed in the application would have substantial negative impacts to the stream bank and stream state and function. Reshaping or leveling the stream bank anywhere other than the surface of the trail and within the footprint of the removed vehicle is prohibited.

Verdell Jackson then showed a map which was created by WET in the technical review. He explained where the mean highwater mark was located in relation to the proposed recreation area.

Kraig Trippel stated the excavation proposed is leaving a substantial buffer (grass & vegetation) between proposed project and river channel. The vegetation will not be disturbed. Kraig Trippel estimated that the proposed project was at least 100 feet back from the edge of the Stillwater River. They want to do a minimal amount of flattening, so it is maintainable and mowable. Kraig proposes to use a small excavator to flatten the area. He stated that they can place silt fence and straw waddles to help prevent erosion and will reseed the area after completion with a certified state slope mix that is quick growing & hearty to drought. The grass will be approximately 8-10 inches. Verdell asked about dimension of the red hashed area on the map in the technical review. Kraig did not have dimensions but estimated that the red hashed area is approximately under an acre. This area has not been formally staked and measured yet.

Cathy Mitchell stated the hydrologists made some modifications to the area as they wanted them to keep away from the bank. The red hashed area on this map is not what was listed in the application.

Verdell Jackson noted potential implications regarding grading the inset floodplain listed in the technical review. He read "Grading/leveling of inset floodplain terrace may result in increased surface runoff to the Stillwater River. Depending upon the vegetative buffer, the increased surface runoff may result in erosion along the banks of the active channel and sediment loading to the stream." Kraig Trippel responded and thought flat area would slow water down coming off the bank. He stated that the work was set back from the banks and therefore would not cause erosion.

Pete Woll noted the Board is just trying to get a project on the ground that we can approve. The technical review gives us a better idea of what we are working with and can come up with something that works for both parties.

Verdell Jackson explained that he was comfortable with the new proposed area for flattening as detailed by WET and that he was concerned that FWP might not approve. Pete Woll suggested that the board approve the project and that if FWP did not approve than they could go through their process to contest.

John Ellis stated FCD hired WET to look at the project and give us their profession opinion. He reviewed the potential implications for erosion and streambank stabilization in the technical review. He read from the technical review the following bullet points:

- Installation of the pathway from the top of bank to the inset floodplain will require excavation into the outer channel bank. If not stabilized properly, excavation in this area has the potential to result in unstable cut banks susceptible to ongoing erosion.
- It is our understanding that grading within the project area is proposed to be completed by balancing the volume of fill material with the material to be cut. Removal of material near the toe of the outer channel bank may destabilize the slope, and result in erosion and/or slumping.
- The location of the project relative to the base flood elevation is unclear, this project may require a floodplain permit and may have the potential to change the hydraulics of the stream channel during periods when the Stillwater River is at flood stage.
- Grading/leveling of inset floodplain terrace may result in increased surface runoff to the Stillwater River. Depending upon the vegetative buffer, the increased surface runoff may result in erosion along the banks of the active channel and sediment loading to the stream.

He noted that the technical review expressed numerous concerns. John Ellis also noted that the dimensions for the trail were unclear. John continued by asking what size of trail the applicant is requesting. Kraig thought the path should be 8' wide to accommodate the applicant's tractor. He continued by explaining how he was going to reshape and slope the trail. He reiterated that the project would be set back from the river approximately 80-100 feet.

John Ellis stated that the board should consider specifying the seed mix and that this mix should be native. He explained that he felt this application was not specific enough and was lacking pertinent details. He cautioned the board about approving the application without details.

Scott Rumsey read from the technical review "remove two trees to establish a path that connects the two areas that are proposed to be graded and maintained as lawn." He explained that the red hashed area on the map from the technical review would be lawn and that this area was excessive. He also noted that he thought this was in the district's jurisdiction. Pete Woll noted that the native grass mixture needed to cover the entire red hatched area. Samantha Tappenbeck added that this native grass mixture is not intended to be mowed as a turf grass. The reclamation mix that we often prescribe for streambank restoration is not low growing and mowable for a recreation area.



The board then discussed the dimensions of the project. The dimensions are unclear from the drawing.

Pete Woll suggested that the applicant provide further detail on the dimensions of the recreation area and the trail as well as information about the type of grass. Then this information could be resubmitted as a modified permit. Cathy Mitchell asked if someone from the FCD office could help her line out the specifics. The board explained that they cannot design the project but can guide her to resources. The details of the project need to be written out explicitly. Scott Rumsey added that he would like to see if the recreation area would be mowed and maintained as a lawn in the future. This should be included in the application. Pete Woll added that WET could be utilized as a resource in terms of answering questions to assist in preparing the modified application.

Samantha Tappenbeck asked that if WET put together these potential implications based on the onsite visit than isn't this what the board needs to make a decision. Cathy Mitchell explained that she viewed the technical review as suggestions, and she did not see anywhere on the document that said the project could not be done. Pete Woll explained that she was interpreting the technical review correctly. Verdell explained that removing the car and adding/ reinforcing the trail was not a problem but adding more information to the application regarding the recreation area was needed.

Cathy Mitchell also added that there was a buffer between the flattened area and the river of 15 feet or more. John Ellis explained that these were the type of details that were needed in the application.

Verdell Jackson motioned "to table the application until further information is received from the applicant, and to place on the February 310 meeting agenda." Donna Pridmore seconded. Motion carried unanimously.

**Ray Family Tr., FL-2021-088, Stoner Ck, stream rest/cistern/debris etc.:** Donna Pridmore explained that the original application has been amended several times. These amendments included installing riparian fencing and removing proposed bridges from the application. She explained that the goal of the project is to reconnect the stream with its floodplain, as it has been incised due to the removal of riparian vegetation. The applicant wishes to excavate pools and install beaver dam analogs (BDAs). They also propose to install root wads and gravel bars in the channel.

Donna reviewed Kenny Breidinger's comments in an email sent January 7, 2022. She read "The applicant is proposing to excavate pools, use the excavated material to create riffles and point bars, add spawning gravels to the channel and add root wads and large boulders to harden the channel in some locations. The projects also proposes to install BDAs and coarse woody debris in small tributaries near the main channel. The conditions at the site (fine alluvial sediments, depositional) suggest the constructed pools, riffles and point bars would likely fail following a few high flow events. Pools would fill with bed load and riffles and point bars would be mobilized. Spawning gravels would likely be dispersed and interstitial spaces would be filled with fine sediment. Hardened structures such as root wads and boulders add nonnative materials to the stream and are in areas where stabilization is not necessary. The proposed structures are not the same as a cwd treatment. The hardened structures are likely to cause substantial channel changes. The project is an enhancement and not a restoration. Restoration could likely be successful with just the riparian fencing, revegetation, and lo-tech soft restoration techniques. This project as proposed, is likely to cause substantial erosion, sedimentation, and turbidity. Depending on what is approved by the board I may or may not be able to issue a 318."

Donna explained that she felt that the applicant should install off stream fencing and allow the stream to rehabilitate itself. John Ellis explained that it is important to be specific about what we are permitting. Donna explained that the conditions of Stoner Creek have degraded over the years. She feels that this project would be good if it worked however, she expressed concern about the existing brook trout and how this project may affect their population.

Robert Lewis from Urbani Fisheries explained that this project is aimed at improving the stream as a fishery. He expressed that he would like to work with the board, rather than seeing the application modified. He continued by reiterating that this project was meant as a restoration.

Board discussed approving the project with modifications. The modifications are the removal of the bridges from the original application and the addition of the riparian fences. Donna Pridmore reviewed standards from the adopted rules.

Scott Rumsey expressed that he felt this project is excessive in design and that he would favor a stepped approach. He agreed with many of Kenny's concerns. He felt that we should see the success of the riparian fencing and evaluate more at a later time.

Leo Rosenthal explained that he felt the team should work together so that all the various concerns are met, rather than approving something right away. Donna Pridmore asked if Mr. Lewis would be willing to work with Kenny Breidinger and the rest of the team to go over the concerns. Mr. Lewis agreed.

Donna Pridmore motioned "to table the application until Kenny Breidinger and Donna Pridmore can meet with the applicant, contractor and owner to go over concerns." Verdell Jackson seconded. Motion carried unanimously.

John Ellis explained that he felt the board did not have enough information on larger projects to make decisions. He noted that all board members did not receive a copy of the application before the meeting. He also noted that when presenting board members need to be clear about the reasons why they feel a project should be approved or denied. The board then discussed ways to be more prepared for board meetings.

**Switzer-Rogers, FL-2021-059C, Swan River, complaint:** Pete Woll stated the new landowner, Peter Logan, has been contacted. Mr. Logan submitted a response to the complaint, and Pete read it for the record.

"Please note that we are new owners of the property referenced in the complaint. Said complaint was not disclosed by the sellers nor did we have knowledge of said complaint until receipt of the certified letter. We inherited the "changes" referenced and had no prior knowledge of or the history of such changes.

We are aware of the flood plain restrictions and permits required within the floodplain having done a proper survey post-closing. The survey also indicated that property lines relied upon by the previous owners relative to part of the complaint encroach upon the Fahnlander property adjacent.



Please use this response as granting authority to visit the property at the District's discretion to assess what next steps/options may be, given all the moving parts. We intend to be good stewards of the land and water as well as being good neighbors and will comport ourselves accordingly. Cheers, Peter and Patty Logan"

The Board discussed that the site is not currently viewable due to the snow.

Pete Woll motioned "to table until the site is viewable." John Ellis seconded. Motion carried unanimously.

**Turner**, FL-2021-081C, Swan River, complaint: John Ellis motioned "to table until the landowner submits a new 310 application." Verdell Jackson seconded. Motion carried unanimously.

**Turner**, FI-2021-096, Swan River, retaining wall: Pete Woll explained the technical review from A2Z was received 1/3/2022. Dan Hughes, A2Z Engineering, noted the section behind Mr. Turners house is semi supported by a stacked timber retaining wall. He noted that the retaining wall had been extended to create a larger back yard. He continued by explaining that the wall was not structurally sound, and it did not meet engineering criteria or best practices.

John Ellis explained that all the components built by the applicant were on the banks of the Swan River. He felt that this was within the district's jurisdiction. He explained that our Adopted Rules do not allow for the banks of a river to be turned into a turf grass lawn. He feels that the entire project is in violation of the rules and should be removed.

Leo Rosenthal from FWP agrees with John Ellis's assessment. He added that a lot of fill had been brought in to create this extended yard. He is concerned that this fill will make it into the Swan River. He noted that this project would probably not have been permitted, had it come across as a regular 310 permit application. Now that the work is complete, he sees two solutions. The first being to remove the wall and all fill material and the second being to address the structural integrity of the wall and bring it up to engineering standards.

Dan Hughes noted that he felt the existing wall could not be retrofitted/ reinforced to bring it up to engineering standards and that likely the wall would need to be removed and rebuilt to ensure structural integrity.

Dan Hughes noted that there was an existing wall which had been extended to retain some portion of the backyard. He added that it might be hard to delineate between the existing portion of back yard and the new. Pete Woll asked Dan if the wall is holding the house up. Dan explained that a deck coming from the house is quite close to the edge of the retaining wall. He explained that the old portion of retaining wall looked to be about 30 years old. Leo Rosenthal added that this was a good point and that if we were going to ask the landowner to remove this wall then we needed to make sure that it would not affect his house. Thane Johnson asked the board if they could get an engineer to look at this property to make sure that removing the wall would not affect the structural integrity of the house. The board agreed that this would be important.



John Ellis motioned "to deny application #FL-2021-096. The applicant must submit a new 310-application to remedy the violation." Donna Pridmore seconded. Motion carried unanimously.

### **NEW BUSINESS**

#### **Signature Authorizations - District Accounts:**

John Ellis motioned "to authorize district officers to sign on all district accounts." Verdell Jackson seconded. Motion carried unanimously.

**Records Disposal Request:** Ginger Kauffman explained that documents listed on Records Destruction Document (RM88) were offered to the DNRC, however, they did not want them due to lack of room. Documents were also offered to the Montana State Historical Society Archives. The district is required to keep significant files; however the Historical Society Archives did not want them if they could not have all files.

John Ellis motioned "to approve destruction of documents listed on the RM88 signed 12/14/2021." Verdell Jackson seconded. Motion carried unanimously.

**Re-establishment of the Flathead River Commission (FRC):** Donna Pridmore explained that in 2018 the FRC retired until another issue came up. The resolution that Flathead Conservation District put forth to MACD and the legislature, bill SJ28, has prompted the need for the reactivation of the FRC.

Donna Pridmore motioned "that FCD re-activate the Flathead River Commission watershed group." John Ellis seconded. Motion carried unanimously.

Pete Woll motioned "to appoint Donna Pridmore as the Flathead Conservation District representative on the Flathead River Commission." John Ellis seconded. Motion carried unanimously.

Samantha Tappenbeck explained that FCD received five letters of interest in response to a request made from the FRC on 12/16/2021. She summarized by stating that we have reactivated the FRC and appointed Donna Pridmore to the FCD appointed position. Now the FRC will appoint new members to the commission and FCD must approve the appointments per FRC by-laws. Kenny Breidinger is the representative from FWP. The FRC will advertise for new members. This matter will be discussed at the next FRC meeting on February 1, 2022.

### **MATTERS OF THE BOARD/STAFF**

**Travel Request:** Samantha and Donna Pridmore will be traveling to Helena to present information to the Water Policy Interim Commission (WPIC) on the 18<sup>th</sup> and 19<sup>th</sup> of January. Samantha will then travel to Bozeman for the Big Sky Watershed Corps Member (BSWCM) supervisor training. She will return to Kalispell on 1/20/2022.

John Ellis motioned "to approve the Staff & Supervisor travel expenses for up to \$800 for trips on January 18, 19, 20." Scott Rumsey seconded. Motion carried unanimously.

**Board Training:**

Flathead County Board Leadership Training to be held Wednesday, February 2<sup>nd</sup> with two time slots available (2:00 – 5:00 PM & 6:00 – 9:00 PM). Supervisors were asked to contact the FCD office if they want to attend. Virginia Rigdon will register and coordinate attendees, so a quorum of the Board is not at a meeting.

Donna Pridmore & Scott Rumsey want to attend the timeslot from 2:00 PM -5:00PM.

**2022 Supervisor Elections Information & Board Terms:** The Board was reminded that terms are ending 12/31/2022 for Supervisors Verdell Jackson, Scott Rumsey, and one additional Supervisor position which is vacant. Persons interested in running for the elected positions must file with the Flathead County Election Dept. (January 13 – March 14, 2022). The Flathead County Election Department must be contacted for appropriate forms. The term for an elected Supervisor is four years.

Terms for John Ellis and Lech Naumovich, who were appointed by the City of Whitefish as Supervisors to the district, also end 12/31/2022. The City of Whitefish is the only incorporated municipality within the boundaries of the district. *Per 76-15-311 MCA, The board of supervisors, in addition to five elected supervisors, must consist of two appointed supervisors, making a total of seven supervisors in those districts. The legislative bodies of the incorporated municipalities within the district shall appoint the two additional supervisors after consultation with the elected supervisors.* The term for an appointed Supervisor is three years.

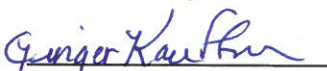
**Payroll Calendar & Information:** The 2022 Payroll calendar, payroll information sheet and current mileage rate was provided to the Supervisors and Staff.

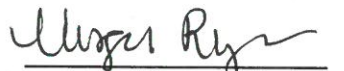
**Soil Health Symposium:** Please contact Samantha Tappenbeck to attend the symposium, January 26 in Billings.

The next business meeting is scheduled for Monday, January 24, 2021, 7:00 P.M. via ZOOM.

Adjournment: Donna Pridmore motioned "to adjourn." Verdell Jackson seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 9:56 P.M.

Submitted By:

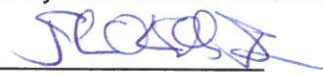
  
Ginger Kauffman  
Administrator

  
Virginia Rigdon  
Administrative Assistant

  
Samantha Tappenbeck  
Interim Resource Conservationist

Minutes approved by FCD Board motion made on:

2/14/22  
(Date)

  
(Signature)

Vice Chair  
(Title – Chair etc.)